

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: JUNE 25, 2009

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

RQR-34323 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT/OWNER: MARSHALL FAMILY, LIMITED PARTNERSHIP - Required Review of a previously approved Special Use Permit (U-0126-94) FOR A 40-FOOT HIGH, 14-FOOT BY 48-FOOT OFF-PREMISE SIGN at 2330 Industrial Road (APN 162-04-802-007), M (Industrial) Zone, Ward 3 (Reese)

IF APPROVED, C.C.: 08/05/2009

IF DENIED, P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

DENIAL

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. City Council Approval Letter for RQR-3023

Motion made by STEVEN EVANS to Hold in abeyance to 7/23/2009

Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 2

VICKI QUINN, STEVEN EVANS, GLENN TROWBRIDGE, BYRON GOYNES, KEEN ELLSWORTH; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-MICHAEL E. BUCKLEY, RICHARD TRUESDELL)

Minutes:

CHAIR TROWBRIDGE declared the Public Hearing open.

STEVE GEBEKE, Planning and Development, stated the sign has not been maintained, as evidenced by the large quantities of bird droppings on and around the sign. Staff recommended denial of this required review.

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ATTORNEY TOM AMICK, 3800 Howard Hughes Parkway, appeared on behalf of the applicant. He acknowledged that maintenance was an issue but was not able to alleviate the problem prior to this meeting. He respectfully asked to move forward while cleaning up the site and would be prepared to show before and after photos at City Council or hold the item in abeyance and rid the problem and bring before and after photos to the assigned Planning Commission meeting.

TODD FARLOW questioned if fines are issued to applicants who do not maintain their signs. MARGO WHEELER, Director of Planning and Development, replied that applicants are not fined unless they go through the citation procedure. At this stage, they are not fined. Given the large profit made by these sign companies, MR. FARLOW strongly suggested applicants be fined in the same manner as homeowners, specifically \$1,000 daily with the monies being donated to the Neon Boneyard Park.

COMMISSIONER EVANS believed the signage was in the appropriate location and agreed with MR. FARLOW regarding the large amount of profit that is made by these companies. He asked if the subject area could be cleaned up prior to City Council, and what measures could be taken to ensure that the property owner continuously maintain their signage and not only just before the meetings. ATTORNEY AMICK understood the Commission's concerns and explained that the subject sign is not equipped with a bird deterrent device. However, he offered to install the device, as well as repaint the signage, within 30 days prior to City Council. Thereafter, he assured maintenance would take place on a regular basis.

ASSISTANT CITY ATTORNEY BRYAN SCOTT informed CHAIR TROWBRIDGE that the minimum approval period is three years. The Chairman suggested the applicant acquire a maintenance agreement, pointing out that the last time the sign was maintained was in 2003. ASSISTANT CITY ATTORNEY SCOTT suggested holding the item in abeyance to allow time for the applicant to follow through on his commitment and appear before the Planning Commission thereafter with before and after photos.

Both COMMISSIONERS GOYNES and ELLSWORTH preferred having the applicant come back before the Planning Commission. Given the history of the existing sign, COMMISSIONER ELLSWORTH was displeased at the applicant's little or lack of interest in maintaining the sign and at this time, adamantly opposed to renewing the special use permit. He urged the applicant to keep his commitment and follow through on what has been recommended.

ATTORNEY AMICK appreciated the abeyance and believed the maintenance agreement was appropriate.

CHAIR TROWBRIDGE declared the Public Hearing closed.